THE HON'BLE MR. JUSTICE

V.V.S. RAO

W.P.No. 20194 of 2005

Dated: Monday, the 17th day of October, 2005

Between:-

Matta Ramunaidu and another.

--Petitioner

And

The Mandal Revenue Officer, Yellamanchilli P.O., Visakhapatnam district and another.

--Respondent (s)

This Court, at the stage of admission, made the following:

Oral order:-

The father of the petitioners allegedly purchased land ad-measuring Ac.1-03 in survey No. 16/2.A of Yellamanchilli revenue village, Visakhapatnam district in 1985. After the death of the father, the petitioners, statedly, partitioned the property equally and obtained pattedar pass books from the revenue authorities. It is also alleged that they obtained necessary permission from the Yellamanchilli gram panchayat and constructed houses in the land. In the first week of August, 2005, the 1st respondent allegedly directed the petitioners orally to vacate the land, aggrieved by which, the petitioners have already issued a notice to the District Collector on 27-08-2005, in vain. Therefore, they filed the present writ petition seeking a declaration that the action of the 1st respondent in trying to dispossess them is illegal and arbitrary.

The matter was heard at preliminary stage at least on three occasions earlier. Learned Assistant Government Pleader for Revenue (Assignment) brought to the notice of this court that the vendors of the petitioners' father claimed the land, but lost the cases before various courts and, therefore, the petitioners have no manner of right. He would submit that the land in survey No. 16/2A of Yellamanchilli revenue village is a government land. Time was, therefore, granted for filing counter affidavit. However, the counter affidavit is not filed.

As rightly pointed out by the learned Assistant Government Pleader, the basis for filing the present writ petition is an alleged oral direction by the 1st respondent to vacate the land, aggrieved by which, the petitioners also sought necessary redressal before the District Collector.

Therefore, instead of keeping the matter pending, this court is of the considered opinion that the District Collector, the 2nd respondent herein, should be directed to consider the representation/notice dated 27-08-2005 submitted by the petitioners and take a decision in the matter within a period of eight (8) weeks from the date of receipt of a copy of this order. The petitioners are given liberty to place all the material before the District Collector. There shall be status-quo obtaining as on

today, if the petitioners are still continuing in possession of the land in question as on date.

The writ petition is, accordingly, disposed of with the above directions and observations. No costs.

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V.V.S. RAO, J

Dt. 17-08-2005

Pvks/*